

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 GUILLERMO TRUJILLO CRUZ,

Case No. 2:18-cv-00612-GMN-NJK

5 Plaintiff,

TRANSFER ORDER

6 v.

7 B. SMITH, *et al.*,

8 Defendants.

9 Plaintiff, a *pro se* prisoner who is in the custody of the California Department of
10 Corrections and Rehabilitation (“CDCR”), has submitted an application to proceed *in*
11 *forma pauperis*, a civil rights complaint pursuant to 42 U.S.C. § 1983, and a motion for
12 access to library. (ECF Nos. 1-1, 4, 8). Plaintiff sues two correctional officers for events
13 that took place while Plaintiff was incarcerated at High Desert State Prison. (ECF No. 1-
14 1 at 1-2). Upon further review of the complaint, exhibits, and Plaintiff’s CDCR inmate
15 locator profile, this Court now realizes that Plaintiff is suing about events that took place
16 at the CDCR’s High Desert State Prison in Susanville, California, and not the Nevada
17 Department of Corrections’ High Desert State Prison in Indian Springs, Nevada.

18 Pursuant to 28 U.S.C. § 1391(b), a plaintiff may bring an action in:

19 (1) a judicial district in which any defendant resides, if all defendants are
20 residents of the State in which the district is located; (2) a judicial district in
21 which a substantial part of the events or omissions giving rise to the claim
22 occurred, or a substantial part of property that is the subject of the action is
23 situated; or (3) if there is no district in which an action may otherwise be
brought as provided in this section, any judicial district in which any
defendant is subject to the court’s personal jurisdiction with respect to such
action.


24 28 U.S.C. § 1391(b)(1)-(3). Pursuant to 28 U.S.C. § 1406, if a case has been filed in the
25 wrong district or division, the district court in which the case has been incorrectly filed may
26 “transfer such case to any district or division in which it could have been brought.” 28
27 U.S.C. § 1406(a).
28

1 The Court finds that the District of Nevada is not the appropriate venue for this
2 action because the events occurred in Susanville, California and the defendants reside in
3 California. Susanville, California is in Lassen County and part of the United States District
4 Court for the Eastern District of California. The Court directs the Clerk of the Court to
5 transfer this action to the United States District Court for the Eastern District of California.
6 This Court offers no opinion on the merits of this action or on the application to proceed
7 *in forma pauperis*.

8 For the foregoing reasons, it is ordered that the Clerk of the Court will transfer this
9 case to the United States District Court for the Eastern District of California.

10 It is further ordered that the Clerk of the Court close the case in this Court.

11 DATED THIS ^{June} 5 day of [REDACTED] 2019.

12
13
14 
15 _____
16 Gloria M. Navarro, Chief Judge
17 United States District Court
18
19
20
21
22
23
24
25
26
27
28